



1-20-04

SDAE

Atty. Docket No.: 4522/9

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Chi-Ying TSUI et al.  
Appln. No. : 09/804,069 Examiner:  
Filed : March 12, 2001 Group Art Unit: 2171  
Title : MELODY RETRIEVAL SYSTEM

#16

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandra, VA 22313-1450

**RECEIVED**

**JAN 30 2004**

**OFFICE OF PETITIONS**

**PETITION FOR REVIVAL OF AN APPLICATION  
FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Sir:

Applicants hereby petition for revival of the above-identified application ("Application") under 37 C.F.R. § 1.137. Attached is a check for \$110 as the Petition fee. Please charge other fees required at this time to Deposit Account 02-4270. The accompanying Declaration of Frank J. DeRosa ("DeRosa Declaration") is offered in support of this petition.

The Application became abandoned, according to the Notice of Abandonment mailed by the Patent and Trademark Office ("PTO") August 26, 2003, due to a failure to respond to a Notice to File Missing Parts ("NTFMP") mailed by the PTO June 18, 2001. (It is believed that the document the Notice of Abandonment is referring to is a Notice of Incomplete Reply rather than a NTFMP.) As stated in the DeRosa Declaration, attorneys for applicants did not receive the Notice of Incomplete Reply, and thus, did not reply to it.

As pointed out in the DeRosa Declaration, attorneys for applicants continued prosecution of the Application after the mailing of the June 18, 2001 Notice of Incomplete Reply by the PTO. Applicants' attorneys filed an Information Disclosure Statement ("IDS") on July 30,

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2001 and a Status Request on November 19, 2002, to which the PTO responded with an estimated examination date. See the DeRosa Declaration and the exhibits thereto.

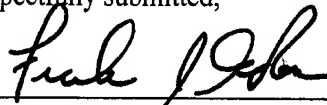
The first indication to the undersigned that the Application was not in order was a voice mail message left by Ms. Haywood of the PTO (telephone number (703) 308-9632) on or about August 20, 2003 notifying attorneys for applicants of the possibly abandoned Application. The fact that applicants' attorneys continued prosecution after the mailing date of the Notice of Incomplete Reply, the PTO's response (Exhibit H to DeRosa Declaration) to the status request (Exhibit G to DeRosa Declaration), which PTO response did not give applicants' attorneys any reason to believe that the Application was abandoned, and the docket sheets for the Application (Exhibit I to DeRosa Declaration) all support the conclusion that applicants' attorneys did not receive the Notice of Incomplete Reply, and therefore applicants' delay in responding to the Notice was unavoidable.

As a full and complete response to the NTFMP and Notice of Incomplete Rely enclosed are 10 sheets of substitute drawings.

Granting of this petition and reinstatement of the Application are respectfully requested.

Dated: 1-23-04

Respectfully submitted,



Frank J. DeRosa, Reg. No. 26,543  
BROWN RAYSMAN MILLSTEIN FELDER  
& STEINER LLP  
900 Third Avenue  
New York, New York 10022  
(212) 895-2000

*Reviewed  
by Brian*



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Chi-Ying TSUI et al.  
Appln. No. : 09/804,069 Examiner:  
Filed : March 12, 2001 Group Art Unit: 2171  
Title : MELODY RETRIEVAL SYSTEM

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandra, VA 22313-1450

**DECLARATION OF FRANK J. DEROSA AND  
STATEMENT OF FACTS IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.137**

Frank J. DeRosa, being duly warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom, declares that:

1. I am a patent attorney at the law firm of Brown Raysman Millstein Felder & Steiner LLP ("the Brown Raysman firm"), attorneys for the applicants in the matter of the above-identified patent application (hereinafter, the "Application"), and offer this Declaration in support of the accompanying Petition Under 37 C.F.R. §1.137. I am familiar with the facts surrounding the prosecution history of the Application.
2. On information and belief, the Brown Raysman firm did not receive a Notice of Incomplete Reply dated June 18, 2001, but did receive a Notice of Abandonment dated August 26, 2003 (Exhibit A).

3. The reason provided in the August 26, 2003 Notice of Abandonment for the abandonment of the Application is the failure to timely or properly reply to a Notice to File Missing Parts ("NTFMP") dated June 18, 2001. On information and belief, the August 26, 2003 Notice of Abandonment was referring to the June 18, 2001 Notice of Incomplete Reply rather than to a NTFMP.
4. Attached as Exhibit B is a copy of the original NTFMP dated April 20, 2001.
5. Attached as Exhibit C is a copy of applicants Response to the April 20, 2001 NTFMP, which was filed on May 29, 2001. A copy of the return post card for the Response, date-stamped by the United States Patent Trademark Office ("PTO") is attached as Exhibit D.
6. In June 2001, the Brown Raysman firm moved its New York office, and notified the PTO of the address change by letter mailed via Express Mail on June 7, 2001 (Exhibit E).
7. On information and belief, after the address change notification was express-mailed to the PTO, on June 7, 2001, the Notice of Incomplete Response was mailed on June 18, 2001 by the PTO to the Brown Raysman firm's old address.
8. Attorneys for applicants continued prosecution of the Application after the PTO mailed the Notice of Incomplete Reply, including filing an Information Disclosure Statement on July 30, 2001, and a Status Request on November 19, 2002 (Exhibits F and G). The PTO responded to the Status Request on November 21, 2002 indicating that the Application will be examined in 12 to 15 months (Exhibit H).
9. The first indication to the undersigned that the Application was not in order was a voice mail message left by Ms. Haywood of the PTO (telephone number (703) 308-9632) on or

- about August 20, 2003 notifying the undersigned of the possibly abandoned Application.
10. Pristine Johannessen, an attorney in the Brown Raysman firm, called Ms. Haywood to discuss the case on or about August 21, 2003.
  11. Ms. Haywood indicated to Ms. Johannessen that in June 2001 the PTO mailed a Notice of Incomplete Reply to the attorneys for applicants. Ms. Haywood also indicated that the reason for the incomplete reply was that drawings were not submitted in the Response to the April 20, 2001 NTFMP. Ms. Haywood mentioned that this Notice of Incomplete Reply to the NTFMP was mailed to the Brown Raysman firm's old address.
  12. The Brown Raysman firm uses patent docketing software known as PATTSY® (licensed from OP Solutions, Inc.) ("the PATTSY® docketing system").
  13. A docket clerk is responsible for entering patent docket information into the PATTSY® docketing system. The docket clerk receives patent-related mail, date stamps such mail, reviews the mail to obtain action items and their related deadlines, and enters relevant information into the PATTSY® docketing system. Attached as Exhibit I are the PATTSY® docket reports for this Application printed on September 16, 2003 and January 23, 2004.
  14. Based on (a) the docket reports (Exhibit I), (b) the Brown Raysman firm's continued prosecution of the above application after June 18, 2001, and (c) my personal knowledge, it is my belief that the Brown Raysman firm did not receive the June 18, 2001 Notice of Incomplete Reply.
  15. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these

statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Dated: 1-23-04



Frank J. DeRosa  
Reg. No. 26,543  
BROWN RAYSMAN MILLSTEIN  
FELDER & STEINER LLP  
900 Third Avenue  
New York, New York 10022  
(212) 895-2000

**EXHIBIT A  
TO  
DECLARATION OF FRANK J. DEROSA AND  
STATEMENT OF FACTS IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.137**

**EXHIBIT B  
TO  
DECLARATION OF FRANK J. DEROSA AND  
STATEMENT OF FACTS IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.137**





## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/804,069	03/12/2001	Chi-Ying Tsui	4522/9

CONFIRMATION NO. 9093

## FORMALITIES LETTER



\*OC000000005991878\*

Frank J. DeRosa  
Brown Raysman Millstein Felder & Steiner LLP  
120 West 45th Street  
New York, NY 10036

Date Mailed: 04/20/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$1476.
  - \$756 for 42 total claims over 20.
  - \$720 for 9 independent claims over 3.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 2316.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

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*A copy of this notice MUST be returned with the reply.*



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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**EXHIBIT C  
TO  
DECLARATION OF FRANK J. DEROSA AND  
STATEMENT OF FACTS IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.137**

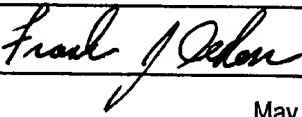
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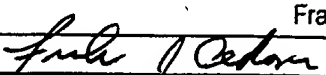
PTO/SB/21 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/804,069	
	Filing Date	March 12, 2001	
	First Named Inventor	Chi-Ying TSUI et al.	
	Group Art Unit	2171	
	Examiner Name	Not yet assigned	
Total Number of Pages in This Submission		Attorney Docket Number	4522/9

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Frank J. DeRosa BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP
Signature	
Date	May 21, 2001

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <span style="border: 1px solid black; padding: 2px;">5/21/01</span>			
Typed or printed name	Frank J. DeRosa		
Signature		Date	5/21/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ ) \$1,238.00

## Complete if Known

Application Number	09/804,069
Filing Date	March 12, 2001
First Named Inventor	Chi Ying TSUI et al.
Examiner Name	Not yet assigned
Group Art Unit	2171
Attorney Docket No.	4522/9

## METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **02-4270**  
Deposit Account Name **Brown Raysman Millstein Felder & Steiner LLP**

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	\$355.00
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$ ) \$355.00

### 2. EXTRA CLAIM FEES

Total Claims **62** Extra Claims **42** Fee from below **9** Fee Paid **378.00**  
Independent Claims **12** - 3\*\* = **9** Fee Paid **360.00**  
Multiple Dependent  Fee Paid

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 738.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

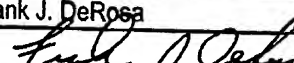
Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	80
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 145.00

## SUBMITTED BY

Name (Print/Type)	Frank J. DeRosa	Registration No. (Attorney/Agent)	26,543	Telephone	(212) 944-1515
Signature		Date	5/21/01		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Chi-Ying TSUI et al.

Appln. No. : 09/804,069

Examiner : Not yet assigned

Filed : March 12, 2001

Group Art Unit: 2171

Title : MELODY RETRIEVAL SYSTEM

**BOX MISSING PARTS**

Assistant Commissioner for Patents

Washington, D.C. 20231

**RESPONSE TO "NOTICE TO FILE MISSING  
PARTS OF APPLICATION--FILING DATE GRANTED"**

Sir:

We acknowledge receipt of the Notice To File Missing Parts of Application--Filing Dated  
Granted dated April 20, 2001. Enclosed are:

- Transmittal Sheet
- Fee Transmittal
- a copy of the Notice
- Combined Declaration and Power of Attorney
- Assignment with Assignment Recordal
- check for \$1,238 (covering filing fee of \$355, extra claims \$738, surcharge fee of \$65, and assignment fee of \$80).

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to our Deposit Account No. 02-4270.

Respectfully submitted,

Dated: May 21, 2001



Frank J. DeRosa

Reg. No. 45,251

BROWN RAYSMAN MILLSTEIN FELDER  
& STEINER LLP

120 West Forty-Fifth Street  
New York, New York 10036  
(212) 944-1515

I hereby certify that this paper is being deposited this date with the  
U.S. Postal Service as First Class Mail addressed to:  
Assistant Commissioner for Patents, Washington, D.C. 20231

  
Frank J. DeRosa

5-21-01  
Date

Please type a plus sign (+) inside this box → ☐

Approved for use through 9/30/00. OMB 0651-0032  
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

# **DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)**

☐ Declaration Submitted with Initial Filing OR ☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	4522/9
First Named Inventor	Chi-Ying TSUI, et al.
<b>COMPLETE IF KNOWN</b>	
Application Number	09 / 804,069
Filing Date	March 12, 2001
Group Art Unit	2171
Examiner Name	Not yet assigned

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**MELODY RETRIEVAL SYSTEM**

the specification of which ☐ is attached hereto OR ☒ was filed on (MM/DD/YYYY) **03/12/2001** as United States Application Number or PCT International

Application Number **09/804,069** and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
			<input type="checkbox"/>	YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:  
I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.
60/188,730	03/13/2000	

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



Please type a plus sign (+) inside this box → ☐

PTO/SB/01 (12-97)  
Approved for use through 9/30/00. OMB 0651-0032  
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

## DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: ☐ Customer Number  OR ☒ Registered practitioner(s) name/registration number listed below

Place Customer Number Bar Code Label here

Name	Registration Number	Name	Registration Number
Frank J. DeRosa	26,543	Ralph F. Hoppin	38,494
Seth H. Ostrow	37,410	Matthew J. Marquardt	40,997
Jonathan T. Kaplan	38,935	Katrine A. Levin	41,941
Pamela G. Maher	40,712	Michael Malish	41,968
Leslie Restaino	38,893		

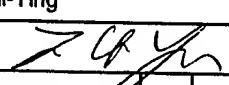
☒ Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to: ☐ Customer Number  OR ☒ Correspondence address below

Name	Frank J. DeRosa				
Address	Brown Raysman Millstein Felder & Steiner LLP				
Address	120 West 45th Street				
City	New York	State	NY	ZIP	10036
Country	USA	Telephone	(212) 944-1515	Fax	(212) 840-2429

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor: ☐ A petition has been filed for this unsigned inventor

Given Name (first and middle (if any))		Family Name or Surname	
Chi-Ying		TSUI	
Inventor's Signature			Date
Residence: City	Hong Kong	State	Country
			China
Post Office Address	Rm. 816, UG Hall I, HKUST, Clear Water Bay		
Post Office Address			
City	Hong Kong	State	Country
			China

☐ Additional inventors are being named on the supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto

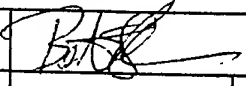
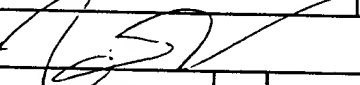
Please type a plus sign (+) inside this box → ☐

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PTO/SB/02A (3-97)  
Approved for use through 9/30/98. OMB 0651-0032  
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

## DECLARATION

ADDITIONAL INVENTOR(S)  
Supplemental Sheet  
Page 1 of 1

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Bertram				SHI			
Inventor's Signature						Date	14 May 2000
Residence: City	Hong Kong	State		Country	China	Citizenship	U.S.A.
Post Office Address	Flat 4A, Tower 13, HKUST, Clear Water Bay						
Post Office Address							
City	Hong Kong	State		ZIP		Country	China
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Chi Wai				YUNG			
Inventor's Signature						Date	16 May 2000
Residence: City	Hong Kong	State		Country	China	Citizenship	Hong Kong, SAR, China
Post Office Address	10F, 2B, Nassau Street, Mei Foo Sun Chuen, Kowloon						
Post Office Address							
City	Hong Kong SAR	State		ZIP		Country	China
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle [if any])				Family Name or Surname			
Inventor's Signature						Date	
Residence: City		State		Country		Citizenship	
Post Office Address							
Post Office Address							
City		State		ZIP		Country	

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



**RECORDATION FORM COVER SHEET  
PATENTS ONLY**

**TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).**

**Submission Type**

- ☒ New
- ☐ Resubmission (Non-Recordation)  
Document ID#
- ☐ Correction of PTO Error  
Reel #  Frame #
- ☐ Corrective Document  
Reel #  Frame #

**Conveyance Type**

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Month Day Year  
05/14/2001

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Name (line 2)

**Second Party**

Name (line 1)

Name (line 2)

Execution Date  
Month Day Year  
05/14/2001

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Name (line 1)

Name (line 2)

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Name

Address (line 1)

Address (line 2)

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Mail documents to be recorded with required cover sheet(s) information to:  
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

**Correspondent Name and Address**

Area Code and Telephone Number

(212) 944-1515

Name Frank J. DeRosa

Address (line 1) Brown Raysman Millstein Felder & Steiner LLP

Address (line 2) 120 West 45th Street

Address (line 3) New York, New York 10036

Address (line 4)

**Pages**

Enter the total number of pages of the attached conveyance document including any attachments.

# 3

**Application Number(s) or Patent Number(s)**

☐ Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)

60/188,730

09/804,069

Patent Number(s)

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Month Day Year

**Patent Cooperation Treaty (PCT)**

Enter PCT application number

PCT

PCT

PCT

only if a U.S. Application Number has not been assigned.

PCT

PCT

PCT

**Number of Properties**

Enter the total number of properties involved.

# 2

**Fee Amount**

Fee Amount for Properties Listed (37 CFR 3.41): \$

80

Method of Payment:  
Deposit Account

Enclosed ☒

Deposit Account ☐

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

# 02-4270

Authorization to charge additional fees:

Yes

☒

No

☐

**Statement and Signature**

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Frank J. DeRosa

Name of Person Signing

Signature

Date

5-21-01

ORDINATION FORM COVER SHEET  
CONTINUATION  
PATENTS ONLY

U.S. Department of Commerce  
Patent and Trademark Office  
PATENT

Conveying Party(ies)

☐ Mark if additional names of conveying parties attached

Enter additional Conveying Parties

Name (line 1) Chi Wai YUNG

Execution Date  
Month Day Year

05/17/2001

Name (line 2)

Name (line 1)

Execution Date  
Month Day Year

Name (line 2)

Name (line 1)

Execution Date  
Month Day Year

Name (line 2)

Receiving Party(ies)

☐ Mark if additional names of receiving parties attached

Enter additional Receiving Party(ies)

Name (line 1)

Name (line 2)

Address (line 1)

Address (line 2)

Address (line 3)

City

State/Country

Zip Code

Name (line 1)

Name (line 2)

Address (line 1)

Address (line 2)

Address (line 3)

City

State/Country

Zip Code

☐ If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)

☐ If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)

Application Number(s) or Patent Number(s)

☐ Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)

Patent Number(s)



## ASSIGNMENT

WHEREAS, WE. Chi-Ying TSUI, a citizen of Hong Kong, SAR, China., residing in Hong Kong, SAR, China; Bertram SHI a citizen of U.S.A., residing in Hong Kong SAR, China; Chi Wai YUNG, a citizen of Hong Kong, SAR, China., residing in Hong Kong SAR, China; hereinafter together with our heirs, executors, administrators and legal representatives referred to herein as "Assignor". have invented one or more inventions (hereinafter referred to as "said invention(s)") disclosed in applications for patent of the United States titled HUMMING SEARCH MUSIC RECOGNITION SYSTEM, filed on March 13, 2000, Serial No. 60/188,730, and MELODY RETRIEVAL SYSTEM, filed on March 12, 2001, Serial No. 09/804,069, (hereinafter referred to as "said applications");

WHEREAS, Perception Digital Technology (BVI) Limited (hereinafter together with its successors and assigns referred to as "the Assignee"), a British Virgin Islands Corporation, having a registered office address of P.O. Box 957, Offshore Incorporations Centre, Road Town, Tortola, British Virgin Islands, is desirous of obtaining all right, title and interest in, to and under said invention(s) and said application; and

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which Assignor hereby acknowledges, Assignor has sold, assigned, transferred and set over, and by these presents hereby sells, assigns, transfers and sets over to Assignee all right, title and interest in, to and under said invention(s) and said applications, including (a) the right to apply for patents in the United States of America and in all foreign countries for said invention(s), (b) all applications for patents for said invention(s) or based on said applications in all countries, now filed or to be filed, including all divisional, renewal, substitute, continuation, continuation-in-part and convention applications based in whole or in part upon said invention(s) or upon said applications, (c) all patents which may issue on said invention(s) and on any application transferred by this Assignment in the United States and foreign countries, and any and all reissues, extensions, renewals, divisions, continuations or continuations-in-part of patents granted for said invention(s) or upon such applications, to the full term or terms for which the patents may be issued, and (d) every priority right that is or may be predicated upon or arise from said invention(s), said applications and such patents. Assignor hereby authorizes Assignee to file patent applications in all countries for any or all of said invention(s) in Assignor's name, or in Assignee's name, or otherwise as Assignee may deem advisable, under any international or bilateral treaty or convention, or otherwise.

Assignor hereby covenants and agrees that Assignor will, upon request of Assignee, and without further consideration but at the expense of the Assignee, communicate any facts known to Assignor relating to said invention(s) and the history thereof, testify in any legal proceeding, execute all lawful papers required to effect the foregoing, and generally do all further acts which may be deemed necessary by Assignee to obtain and enforce proper patent protection for said invention(s) in all countries.

If any part of this Assignment shall be held by a court of competent jurisdiction to be void, invalid or inoperative, the remaining provisions of this Assignment shall not be affected

1456

BROWN RAYSMAN MILLSTEIN  
FELDER & STEINER, LLP  
120 W. 45TH STREET  
NEW YORK, NY 10036

1-2  
210

DATE

5/21/01

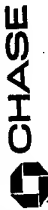
\$ 1,238.00

DOLLARS

Assistant commissioner for Patents and Trademarks

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*Frank O'Connell*

FOR H5829 Missing Parts & Asn

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MP



**EXHIBIT D  
TO  
DECLARATION OF FRANK J. DEROSA AND  
STATEMENT OF FACTS IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.137**

Docket No.: 4522/9

Date: May 21, 2001  
Applicant(s): Chi-Ying TSUI et al.  
Serial No.: 09/804,069  
Filed: March 12, 2001  
Title: MELODY RETRIEVAL SYSTEM

Attention: BOX MISSING PARTS  
Assistant Commissioner for Patents, Washington, DC 20231

To the individual receiving this correspondence, please check the contents enclosed herewith and verify that the following items were enclosed by date stamping and placing this post card in the out-going mail. Thank you.

- Transmittal Letter
- Fee Transmittal
- Response to Notice to File Missing Parts with copy of the Notice
- executed Declaration
- Assignment w/Assignment Recordation cover sheet
- Check for \$1,238

Docket No.: 4522/9

Date: May 21, 2001  
Applicant(s): Chi-Ying TSUI et al.  
Serial No.: 09/804,069  
Filed: March 12, 2001  
Title: MELODY RETRIEVAL SYSTEM

Attention: BOX MISSING PARTS  
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- executed Declaration
- Assignment w/Assignment Recordation cover sheet
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**EXHIBIT E  
TO  
DECLARATION OF FRANK J. DEROSA AND  
STATEMENT OF FACTS IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.137**

BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP

120 WEST FORTY-FIFTH STREET • NEW YORK, NY 10036 • TELEPHONE: 212 944 1515 • FACSIMILE: 212 840 2429

4522/9

June 7, 2001

**VIA EXPRESS MAIL**

Assistant Commissioner for Patents  
Washington, DC 20231-9999

Re: Title: MELODY RETRIEVAL SYSTEM  
Filing Date: 3/12/2001  
Serial No./Patent No.: 09/804,069 /

Dear Sir:

Please be advised that as of June 11, 2001, the law firm of Brown Raysman Millstein Felder & Steiner, LLP, attorneys of record for the referenced patent, is moving its New York office from:

Brown Raysman Millstein Felder & Steiner, LLP  
120 West 45<sup>th</sup> Street  
New York, New York 10036  
Main Phone: (212) 944-1515  
Main Fax: (212) 840-2429

to:

Brown Raysman Millstein Felder & Steiner, LLP  
900 Third Avenue  
New York, New York 10022-4728  
Main Phone: (212) 895-2000  
Main Fax: (212) 895-2900

Express Mail Label: EL 718302218 US

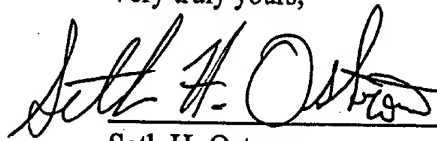
BRMFS1 255435v1

Assistant Commissioner of Patents  
June 7, 2001  
Page 2

Therefore, please direct all future correspondence to this new address as of the date mentioned above. In addition, please update your records accordingly and place this notice in the pertinent patent file.

If you have any questions concerning the above, please do not hesitate to contact the undersigned.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Seth H. Ostrow", written over a horizontal line.

Seth H. Ostrow  
Attorney for Applicant  
BROWN RAYSMAN MILLSTEIN  
FELDER & STEINER LLP

**EXHIBIT F  
TO  
DECLARATION OF FRANK J. DEROSA AND  
STATEMENT OF FACTS IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.137**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Tsui et al.

App. No.: 09/804,069

Examiner: Not Yet Assigned

Filed: March 12, 2001

Group Art Unit: 2171

Title: MELODY RETRIEVAL SYSTEM

Assistant Commissioner for Patents  
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

The applicants respectfully submit herewith an Information Disclosure Statement (IDS), an Information Disclosure Citation List, and a copy of each document listed therein.

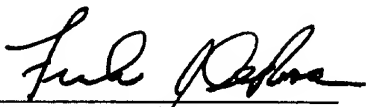
Some of the cited and enclosed documents were cited in a search report issued in a counterpart international PCT application. A copy of the search report is enclosed.

The Examiner is requested to consider the enclosed documents, make them of record, and indicate his or her consideration of the documents by initialing the enclosed Citation List adjacent

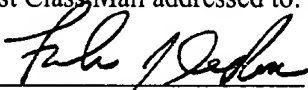
the citation of each document. Please return a copy of the initialed Citation form to the applicant's undersigned Attorney.

Respectfully submitted,

Dated: 7-25-01

  
Frank J. DeRosa, Esq.  
Reg. No. 26,543  
Attorney for Applicant  
BROWN RAYSMAN MILLSTEIN  
FELDER & STEINER LLP  
900 Third Avenue  
New York, New York 10022  
(212) 895-2000

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as  
First Class Mail addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231

  
(Enter Name Here)

7-25-01  
Date



Docket No.: 4522/9

Date: July 25, 2001  
Applicant(s) Chi-Ying TSUI et al.  
Serial No.: 09/804,069  
Filed: March 12, 2001  
Title: MELODY RETRIEVAL SYSTEM

Attention: BOX MISSING PARTS  
Assistant Commissioner for Patents, Washington, DC 20231

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- IDS Transmittal Letter
- IDS Citation List
- References: 1 PCT Notice, 6 U.S. Patents, 3 Articles

Docket No.: 4522/9

Date: July 25, 2001  
Applicant(s) Chi-Ying TSUI et al.  
Serial No.: 09/804,069  
Filed: March 12, 2001  
Title: MELODY RETRIEVAL SYSTEM

Attention: BOX MISSING PARTS  
Assistant Commissioner for Patents, Washington, DC 20231

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- IDS Transmittal Letter
- IDS Citation List
- References: 1 PCT Notice, 6 U.S. Patents, 3 Articles



<b>INFORMATION DISCLOSURE CITATION LIST</b>	<b>Atty. Docket No.:</b> 4522/9	<b>Application Serial No.:</b> 09/804,069
	<b>Applicants:</b> Tsui et al.	
	<b>Filing Date:</b> March 12, 2001	<b>Group Art Unit:</b> 2171

**U.S. PATENT DOCUMENTS**

Exam. Init		Document Number	Date	Name	Class	Subclass
		5,619,004	Apr. 8, 1997	Dame	811	616
		5,596,160	Jan. 21, 1997	Aoki	84	653
		5,565,639	Oct. 15, 1996	Bae	84	477
		5,952,596	Sep. 14, 1999	Kondo	84	605
		5,567,162	Oct. 22, 1996	Park	434	307
		6,121,530	Sep. 19, 2000	Sonoda	84	609

**FOREIGN PATENT DOCUMENTS**

Exam. Init.		Document Number	Date	Country	Class	Translation

**OTHER DOCUMENTS** (including Author, Title, Date, Pertinent Pages, etc.)

		A. Ghias, J. Logan, D. Chamberlin, B.C. Smith, <i>Query by Humming, Musical Information Retrieval in an Audio Database</i> , Multimedia '95, San Francisco, pp. 231-236
		N. Kosugi, Y. Nishihara, S. Kon'ya, M. Yamamuro, K. Kushima, <i>Music Retrieval by Humming, Using Similarity Retrieval over High Dimensional Feature Vector Space</i> , 1999 IEEE Pacific Rim Conference on Communications, Computers and Signal Processing, Page(s) 404-407
		P.Y. Rolland, Raskinis, J-G Ganascia, <i>Musical Content-based Retrieval, an overview of the Melodiscov Approach and System</i> , Seventh ACM International Multimedia Conference, Orlando, November 1999. Pages 81-84.

<b>Examiner:</b>	<b>Date Considered:</b>
------------------	-------------------------

BRMFS1 83255.01

BRMFS1 261952v1

Express Mail No. EL595664868US

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

## PCT

### NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT OR THE DECLARATION

(PCT Rule 44.1)

<b>To:</b> FRANK J. DEROSA BROWN RAYSMAN MILLSTEIN FELDER 7 STEINER LLP 120 WEST 45TH STREET NEW YORK NY 10036	
Docket Date: <u>07-16-01</u> Docket No.: <u>4522-12PCT</u> Attorney(s): <u>FJO/AP</u> Action: <u>Article 19 Amendment</u> Action Date: <u>09-13-01</u> Final Due Date: <u>09-13-01</u>	

Date of Mailing (day/month/year) <b>13 JUL 2001</b>	
Applicant's or agent's file reference <b>4522/12PCT</b>	<b>FOR FURTHER ACTION</b> See paragraphs 1 and 4 below
International application No. <b>PCT/US01/07814</b>	International filing date (day/month/year) <b>12 MARCH 2001</b>
Applicant <b>PERCEPTION DIGITAL TECHNOLOGY</b>	

1. ☒ The applicant is hereby notified that the international search report has been established and is transmitted herewith.  
**Filing of amendments and statement under Article 19:**  
 The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):  

**When?** The time limit for filing such amendments is normally 2 months from the date of transmittal of the international search report; however, for more details, see the notes on the accompanying sheet.  
  
**Where?** Directly to the International Bureau of WIPO  
 34, chemin des Colombettes  
 1211 Geneva 20, Switzerland  
 Facsimile No.: (41-22) 740.14.35  
  
 For more detailed instructions, see the notes on the accompanying sheet.
2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.
3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
 

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.  
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.
4. **Further action(s):** The applicant is reminded of the following:  
 Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in rules 90 *bis* 1 and 90 *bis* 3, respectively, before the completion of the technical preparations for international publication.  
  
 Within 19 months from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).  
  
 Within 20 months from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

Name and mailing address of the ISA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231  Facsimile No. (703) 305-3230	Authorized officer <b>STANLEY J. WITKOWSKI</b> Telephone No. (703) 308-3101
---	---

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 4522/12PCT	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/US01/07814	International filing date (day/month/year) 12 MARCH 2001	(Earliest) Priority Date (day/month/year) 13 MARCH 2000
Applicant PERCEPTION DIGITAL TECHNOLOGY		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. ☐ Certain claims were found unsearchable (See Box I).

3. ☐ Unity of invention is lacking (See Box II).

4. With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

☐ the text is approved as submitted by the applicant.

☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No. 2

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☒ because this figure better characterizes the invention.

☐ None of the figures.

Box III TEXT OF THE ABSTRACT (Continuation of item 5 of the first sheet)

## NEW ABSTRACT

A MUSIC RETRIEVAL SYSTEM WHICH CAN TAKE AN INPUT MELODY 920) AS THE QUERY. IN ONE EMBODIMENT, CHANGES OR DIFFERENCES IN THE DISTRIBUTION OF ENERGY ACROSS THE FREQUENCY SPECTRUM OVER TIME ARE USED TO FIND BREAKPOINTS (125) IN THE INPUT MELODY IN ORDER TO SEPARATE IT INTO DISTINCT NOTES (135). IN ANOTHER EMBODIMENT, THE BREAKPOINTS ARE IDENTIFIED BASED ON CHANGES IN PITCH OVER TIME. A CONFIDENCE LEVEL IS PREFERABLY ASSOCIATED WITH EACH BREAKPOINT AND/OR NOTE EXTRACTED FROM THE INPUT MELODY. THE CONFIDENCE LEVEL IS BASED ON ONE OR MORE OF: CHANGES IN PITCH, ABSOLUTE VALUES OF A SPECTRAL ENERGY DISTRIBUTION INDICATOR, AND THE ENERGY LEVEL OF THE INPUT MELODY.

**A. CLASSIFICATION OF SUBJECT MATTER**

IPC(7) : G09B 15/04; G10H 1/26, 1/40

US CL : 84/649,651,654,477r, DIGEST 12

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 84/649,651,654,477r, DIGEST 12

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

84/603/607,609-614,616,649-652, 654,477r, 478, DIGEST 12.

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5,619,004 A (DAME) 08 APRIL 1997 (08/04/97), SEE THE ENTIRE DOCUMENT.	1-37 46-62
X	US 5,596,160 A (AOKI) 21 JANUARY 1997 (21/01/97), SEE THE ENTIRE DOCUMENT.	38-45
X	US 5,565,639 (BAE) 15 OCTOBER 1996 (15/10/96), SEE THE ENTIRE DOCUMENT.	38-45
X	US 5,952,596 A (KONDO) 14 SEPTEMBER 1999 (14/09/99), SEE THE ENTIRE DOCUMENT.	38-45
X	US 5,567,162 A (PARK) 22 OCTOBER 1996 922/10/96) SEE THE ENTIRE DOCUMENT.	38-45



Further documents are listed in the continuation of Box C.



See patent family annex.

* Special categories of cited documents:	*T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
*A* document defining the general state of the art which is not considered to be of particular relevance	*X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
*E* earlier document published on or after the international filing date	*Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
*L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	*G* document member of the same patent family
*O* document referring to an oral disclosure, use, exhibition or other means	
*P* document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search

13 JUNE 2001

Date of mailing of the international search report

13 JUL 2001

Name and mailing address of the ISA/US  
Commissioner of Patents and Trademarks  
Box PCT  
Washington, D.C. 20231

Facsimile No. (703) 305-3230

Authorized officer

STANLEY J. WITKOWSKI

Telephone No. (703) 308-3181

## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty and of the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

#### What parts of the international application may be amended ?

The claims only.

The description and the drawings may only be amended during international preliminary examination under Chapter II.

**When ?** Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments ?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

**How ?** Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

#### What documents must/may accompany the amendments ?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confounded with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether:

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

## NOTES TO FORM PCT/ISA/220 (continued)

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:  
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:  
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:  
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or  
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:  
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

### "Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

The statement should be brief, it should not exceed 500 words if in English or if translated into English.

It should not be confounded with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It should not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

### In what language?

The amendments must be made in the language in which the international application is published. The letter and any statement accompanying the amendments must be in the same language as the international application if that language is English or French; otherwise, it must be in English or French, at the choice of the applicant.

### Consequence if a demand for international preliminary examination has already been filed?

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

### Consequence with regard to translation of the international application for entry into the national phase?

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.



**EXHIBIT G  
TO  
DECLARATION OF FRANK J. DEROSA AND  
STATEMENT OF FACTS IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.137**

# Auto-Reply Facsimile Transmission



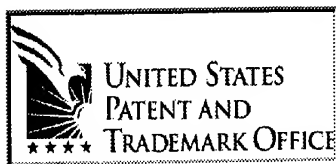
TO: Fax Sender at 2128952900  
Fax Information  
Date Received: 11/19/02 11:40:41 AM [Eastern Standard Time]  
Total Pages: 1 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page  
=====>

11/19/02 11:38 FAX 2128952900		BROWN RAYSMAN ET AL		001
Any Docket No.: 452279				
<b>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</b>				
In re Application of :	Chi-Ying TSUI et al.			
Appln. No. :	09/804,069	Examiner:		
Filed :	March 12, 2001	Group Art Unit:	2171	
Title :	MELODY RETRIEVAL SYSTEM			
VIA FAX TO 703-746-7239 Commissioner for Patents Washington, D.C. 20231				
<b>STATUS REQUEST</b>				
Sir:				
Applicants respectfully require as to the status of the above-identified patent application. No office action has been received to date. The undersigned is authorized to make this inquiry by virtue of the power of attorney previously filed in this application.				
Respectfully submitted,				
Dated:	11-19-02	 Ralph F. Hoppin, Reg. No. 38,494 Attorney for Applicant BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP 900 Third Avenue New York, New York 10022 (212) 895-2000		
I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office at 703-746-7239 on this date:				
 Ralph F. Hoppin		11-19-02 Date		
BRMP51 153266v1				
Received from <2128952900> at 11/19/02 11:40:41 AM [Eastern Standard Time]				

**EXHIBIT H  
TO  
DECLARATION OF FRANK J. DEROSA AND  
STATEMENT OF FACTS IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.137**



United States Patent And Trademark Office

Commissioner For Patents  
United States Patent And Trademark Office  
Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

Date: 11/21/02

BROWN, RAYSMAN, MILLSTEIN, FELDER & STE  
900 THIRD AVENUE  
NEW YORK NY 10022

To: Applicant of Serial Number 09804069

We project that this application will be first examined in 12 to 15 months from today.

Customer Service Office in Technology Center: 2100

Phone Number: 703-306-5631

FAX Number: 703-746-7240

Applicant/Attorney Contact Information:

Telephone: (212)895-2000

Fax: (212)895-2900

*L Wong*

RECEIVED DEC 3 2002	
Docket Date:	_____
Docket No.:	4522-09US
Attorney(s):	FJD/RFH/APA
Action:	_____
Action Date:	_____

**EXHIBIT I  
TO  
DECLARATION OF FRANK J. DEROSA AND  
STATEMENT OF FACTS IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.137**

BRM# 4522-09US

PRINTED ON: 9/16/2003

COUNTRY	US	UNITED STATES	TITLE		PRIOR	3/13/2000
NEW/CON	FCA	SERIAL#	09/804,069	MELODY RETRIEVAL SYSTEM	MAIL	3/12/2001
RELATED	n/a	PATENT#			FILE	3/12/2001
TYPE	UTL	STATUS	ABANDONED		PUBL	
CLIENT	04522	Perception Digital Limited	1	CREF	ISSUE	
AGENT				AREF	ABN	Y 8/26/2003
					1ST	3/12/2001

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL UP	1	2	P
PC	N	POST CARD CHECK	3/12/2001	1M	4/12/2001		4/12/2001	0	3/23/2001	0M	Y	Y	Y
DS	N	INF DISCLOSURE STMT	3/12/2001	3M	6/12/2001	6	12/12/2001	6	7/30/2001	1M	Y	Y	Y
FS	N	FILG RCPT STATUS CHK	3/12/2001	3M	6/12/2001		6/12/2001	0	4/20/2001	0M	Y	Y	Y
G2	N	MISSING PARTS (2 MO)	4/20/2001	2M	6/20/2001	4	10/20/2001	0	5/21/2001	1M	Y	Y	Y
	N	RECORDED ASSIGNMENT	5/21/2001	6M	11/21/2001		11/21/2001	0	8/13/2001	1M	Y	Y	Y
	N	CORRECT ASSIGNMENT	9/6/2001	6M	3/6/2002		3/6/2002	0	3/13/2002	0M	Y	Y	Y
SC	N	STATUS CHECK	3/12/2001	20M	11/12/2002		11/12/2002	0	11/19/2002	1M	Y	Y	Y
	Y	STATUS REPLY LTR	11/21/2002						12/3/2002				
PTO projects that this appln. Will 1st be examined in 12 to 15 months f/11-21-02.													
	Y	NTC OF ABANDONMENT	8/26/2003						9/2/2003				

## INVENTORS

Chi-Ying TSUI  
Bertram SHI  
Chi Wai YUNG

## ASSIGNEES

PERCEPTION DIGITAL TECHNOLOGY  
(BVI) LIMITED

## PRIOR APPLICATIONS

REFERENCE#	CNTRY	SERIAL#	FILED	TITLE / DESCRIPTION	TYPE
	US	60/188,730	3/13/2000	HUMMING SEARCH MUSIC RECOGNITION SYSTEM	APPL

USER-DEFINABLE FIELDS		PATENT FIELDS	
KEYWRD		SMALL ENTITY	ART UNIT
TXT2		CLAIMS	EXAMINER
TXT3		PUBLICATION#	CONFIRM#

P01268US00 ENTERED 3/16/2001 MODIFIED 9/2/2003 BY LB ATTORNEYS FJD / PJ / FY

## NOTES

5/14/01 e-mail of ARR, deleted all foreign filing reminders and filing due, PCT filed.  
Assignment recorded on 05/29/01, Reel/Frame: 011847/0450

BRM# 4522-09US

PRINTED ON: 1/23/2004

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SC	N	STATUS CHECK	3/12/2001	20M	11/12/2002		11/12/2002	0	11/19/2002	1M	Y	Y	Y
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	Y	NTC OF ABANDONMENT	8/26/2003						9/2/2003				

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Bertram SHI	(BVI) LIMITED
Chi Wai YUNG	

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USER-DEFINABLE FIELDS		PATENT FIELDS	
KEYWRD		SMALL ENTITY	ART UNIT
TXT2		CLAIMS	EXAMINER
TXT3		PUBLICATION#	CONFIRM#

P01268US00 ENTERED 3/16/2001 MODIFIED 9/2/2003 BY LB ATTORNEYS FJD / PJ / FY

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